

THE DAILY CONSERVATIVE.

JOHN D. HYMAN & Co., Proprietors.

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OPINION OF JUDGE PEARSON.

HABEAS CORPUS.

RUSSELL VS. WHITING.

In 1864 Daniel L. Russell, Jr., was commissioned a Captain C. G. 36 Regt. N. C. Troops. In February, 1864, he was sentenced by a general court martial "to be dismissed from the service," which sentence was approved by Gen. Whiting, "so far as to deprive him of his commission," and the General granted him the privilege of selecting another company, if he desired to do so, and gave him leave of absence for thirty days. In March, 1864, Russell was appointed county Commissioner by the Justices of Brunswick county, gave bond and entered upon the duties of the office on the 11th of March; the Governor certified that he was a county officer, necessary for the proper administration of the government of the State.

Whiting is insufficient, and does not show that the petitioner is liable to military service. My conclusion is that he is entitled to exemption, and should be discharged, the facts set out in the return to the contrary notwithstanding.

R. M. PEARSON, C. J.
Richmond Hill, July 25, 1864.

ARGUMENT OF B. F. MOORE.

I propose to show: 1. That the clause of the constitution declaring that the privilege of the writ of Habeas Corpus shall not be suspended, unless, when, in cases of rebellion or invasion the public safety may require it, allows of such suspension only in cases of criminal or supposed criminal matters—And,

2. That the power to suspend the privilege of the writ, carries with it no power other than simply to deny the benefit of the writ and subject the party to imprisonment as its only attendant consequence; and to maintain both of these propositions by the uniform practice and understanding both in England and America.

1. The clause (Art. 1, s. 9, cl. 2) vesting Congress with the power to suspend the privilege of the writ is the same in words, as that in the Constitution of the United States, and must therefore have the same interpretation. The Constitution of the United States was adopted in 1789; the judiciary act was passed in September 1789—within the year after the adoption of the Constitution; and, by sec. 14, provides that the Federal Courts shall have power to issue writs of Scire Facias, Habeas Corpus, and all other writs necessary for the exercise of their respective jurisdictions: Provided, that Writs of Habeas Corpus shall in no case extend to prisoners in jail, unless where they are in custody under or by color of the authority of the United States, [or are committed for trial before some Court of the United States, or are necessary to be brought into court to testify]. The judiciary act of the Confederate States, of March 1861, sec. 16, is substantially the same; the only change being in the omission of the quoted words contained in brackets. This omission, however, effects no change in the scope or interpretation of the two sections. As there is no restriction in the statute as to the kind of Writs of Habeas Corpus, which may be issued, either by the adjutant of the term *privilege* as in the constitution, or otherwise, it follows that the number and kind of such writs which they issue can be limited only by the necessities arising in the exercise of their jurisdiction. Hence it is clear that the courts may issue a writ to bring up a prisoner, though that power, specially granted by the judiciary act of 1789, is omitted in that of March 1861. And it is equally clear that the Federal Courts had authority to issue the Writ of Habeas Corpus *ad respondendum*—*ad satisfaciendum*—*ad faciendum* *ad recipiendum*, and all other kinds which might be necessary to the exercise of their jurisdictions.

The power to clothe the court and judges with the authority to issue any kind of the writ is clearly derived from Art. 3, (United States and Confederate Constitutions) which confers judicial powers. If it had been possible to establish a judicial system without the use of the writ, and Congress had not conferred the authority to issue, it is manifest that the Federal Courts would not have possessed the power to issue any of the Writs of Habeas Corpus inasmuch as these courts derive all their jurisdiction and powers from special grant. Ex parte Bollman 4, Cr. 75. In such contingency the power of suspending the writ could have operated only upon the courts and judges of the States; and in such cases only wherein they might assume to act in regard to persons detained under federal authority. Doubtless, however, when the power of suspension was granted it was upon the idea that the courts would be invested with the authority to issue every kind of the writ which was then in use and had been found convenient for the better protection of the citizen and the more convenient administration of justice. But it cannot be reasonably supposed, that the framers of the Federal Constitution intended to allow Congress to suspend all kinds of the writ—those of *ad testificandum*, *ad faciendum* *ad recipiendum*, etc.—first, because no freeman could have imagined any conditions of public danger which could possibly require the law-abiding man to be imprisoned; and secondly because of the use of that euphemistic language which is peculiar to the writ used to deliver prisoners from custody. It is undeniably admitted, therefore, that only such writs may be suspended or carry with them a personal privilege—and, doubtless the language, "the privilege of the writ" was carefully selected to include such only as claimed such privilege; and from the formation of the constitution it has been conceded that the only writ meant is that of *ad satisfaciendum*. By some, however, within a short time past, it is insisted, that all the cases falling under that writ are embraced by the clause giving the power of suspension; because, say they, there is no limitation or modification of the clause of cases. But do the words "the privilege" embrace all the privileges under that writ, and subject them all to suspension? Or do not the time and occasion—rebellion or invasion—necessarily limit the suspension to some effect affecting the public safety? For why, it may be asked, should a law-abiding citizen suffer confinement in such cases more than in any other, who does not aid, assist nor sympathize with the rebels? But suppose the power of suspension had not been thus qualified by the time and occasion; and the clause had expressly declared that the privilege of the Writ of Habeas Corpus *ad satisfaciendum* may be suspended, let us inquire what cases were understood to be peculiarly embraced under that writ before and about the adoption of the constitution in 1787. If we look critically into the English law books of those times we shall find, that, while the jurisdiction at common law, of some of the courts, to examine all cases of illegal detention of the person, as well in civil as criminal matters, was asserted, the Writ of Habeas Corpus *ad satisfaciendum* was declared to be that which issues in criminal cases. Thus in *Ex parte Bollman*, 4 Cr. 75, it is said, "The Habeas Corpus *ad satisfaciendum* is that which issues in criminal cases." On the same page, and in a note to the definition of the writ *ad faciendum* *ad recipiendum*, it is said, of this writ "there ought not singly a matter of crime to be returned, for that belongs to the Habeas Corpus *ad*

THE DAILY CONSERVATIVE.

Vol. I.] RALEIGH, N. C., FRIDAY, AUGUST 12, 1864. [No. 96.

the present as a civil remedy for the purpose of having the liability of the petitioner to conscription adjudicated, for the reasons given by me in Cain's case. I am of opinion that the act of Congress suspending the writ of Habeas Corpus does not apply to this case. Since the decision in Cain's case I was gratified to find that my conclusion is supported by the opinion of Chief Justice Marshall in the case of Bollman and Swartwout. He says that the clause of the constitution which authorizes the suspension of the writ applies only to the writ of Habeas Corpus *ad satisfaciendum*, "the great writ of right," sued out by a person who stands committed for some criminal or supposed criminal offence, and does not embrace the interior kinds of the writ, such as Habeas Corpus *ad testificandum* and the like. I will also refer to the very full and able argument filed by Mr. Moore in this case.

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England, that the writ has upon various pretexts and occasions been suspended, whereby persons apprehended upon suspicion have suffered a long imprisonment, sometimes from design, and sometimes because they were forgotten, the right to suspend it is expressly confined to cases of rebellion or invasion, when the public safety may require it. A very just and wholesome restraint, which cuts down at a blow a fruitful means of oppression, capable of being abused in bad times to the worst purposes."

The whole and every part of the paragraph looks only to a suspension for crime. The causes of suspension allowed by the Constitution, and those recognized as adequate in England, are treated as the same, and the writ likely to flow, the same, wit, that innocent persons apprehended on suspicion will suffer a long imprisonment. Imprisonment is treated as the uniform result of suspension, and the imprisonment is for crime, "upon suspicion." But the learned commentator soothes the jealousy of freedom with the assurance, that as the suspension can be made only in cases of rebellion or invasion, and that the public safety may require it, a just and wholesome restraint is thus imposed, "which cuts down at a blow a fruitful means of oppression."

Mr. Jefferson (2 corr. 344) says, "Why suspend the writ of Habeas Corpus in insurrection or rebellion?"—"If the public safety requires that the government should have a man imprisoned on less probable testimony in those than in other emergencies let him be taken and tried, retaken and tried, while the necessity continues." Thus he clearly considers the suspension applicable only to "criminal or supposed criminal matters," when the party was to be necessarily imprisoned. His opposition to the power of suspension had justly been deeply as great, had he supposed that it could be used to prevent the courts from passing upon a naked question of abstract law in cases, which involved no offense against law, morals or religion.

The letter of Luther Martin, (Elliott's debates 376—Hurd, 124) one of the delegates from Maryland who opposed the power of suspension, in assigning the causes of opposition, assumes that the suspension could only reach cases of crime or supposed crime, for which the person charged was to be confined in prison. So fully was he of this opinion, that he calls it a power to suspend the Habeas Corpus Act, meaning, doubtless, the act of Charles, which concerns crimes alone.

"The power," says Hurd 152 3, "of suspending the privilege of the writ of Habeas Corpus, is, by the Federal Constitution, and by those of the several States, limited to those occasions in which the public safety is threatened by rebellion or invasion; and by fair construction is limited to offenses endangering the public safety."

[CONCLUDED IN OUR NEXT.]

LOANS.

ON THE SECURITY OF THE FIVE HUNDRED MILLION SIX PER CENT. NON-TAXABLE BONDS UNDER THE SIXTH SECTION OF THE ACT OF MARCH 1861, DEPOSITS ON CALL WILL BE RECEIVED BY THE TREASURER IN THIS CITY, ASSISTANT TREASURER AT CHARLOTTE AND MILLS, AND AT WASHINGTON, RICHMOND, COLUMBIA, AUGUSTA, SAVANNAH AND MONTGOMERY, and certificates will be issued for the same, bearing interest at the rate of four per cent. per annum, and secured by the hypothecation of an amount of the above bonds, equal to the sum of these loans. The bonds to be set apart by the Treasurer, and the proceeds, when applied exclusively to the payment of the said certificates.

The security and convenience afforded to banks and other corporations, and to the public generally, by this mode of temporary investment, and the effect of the measure if generally adopted, in keeping the currency within moderate bounds, it is hoped, will commend it to the favorable consideration of the community, and secure their prompt cooperation in carrying it into effect.

G. A. TRENNHOLM,
Secretary of the Treasury.

Richmond, July 22, 1864.

OFFICE OF C. S. DEPOSITORY,
RALEIGH, N. C., July 26th, 1864.

HOLDERS OF EIGHT AND SEVEN PER CENT. CERTIFICATES, issued by George W. Mordred, late Depository, and six per cent. certificates issued by the undersigned, are requested to present them and receive their bonds. The coupons thereon, due January first and July first, 1865, will be paid at the same time.

Holders of Registered Stocks, who have heretofore received their interest at Wilmington, are again informed that the same will be paid at this office in future. Holders of ANY Registered Bonds can receive their interest at this office, by requesting the Register at Richmond to transfer his stock to the pay-roll of this Depository.

C. S. HARRISON,
C. S. Depository.

Headquarters Army Northern Virginia,
ORDNANCE OFFICE,
July 26, 1864.

BRIGADIER GENERAL RUFUS BARRINGER, COMMANDING BRIGADE OF SOUTHERN VIRGINIA, is hereby authorized to take possession of all cavalry arms, equipments and accoutrements in the hands of civilians or other unauthorized persons in the State of North Carolina, when he is satisfied that such arms, &c., are legitimately the property of the Confederate States. All arms, &c., dropped by rebel troops or the enemy on their line of march or on battle-field or left or sold by officers or private to persons not in the military service, or the property of the Confederate States, are hereby declared to be the property of the Confederate States, and will be disposed of as follows: First, the arms, &c., except where under the orders and regulations of the Ordnance Department, are to be sold to the Government, and the proceeds to be paid to the owners; second, where the arms, &c., are taken under the provisions of the Ordnance Department, they are to be sold to the Government, and the proceeds to be paid to the owners.

By command of
General R. E. LEE,
[Signed], BRISCO G. BALDWIN,
Lieut. Col. and Chief Ordnance Officer,
A. N. V.

Under this authority I desire especially to gather up Modeline saddles. These saddles were captured from the enemy and are no private property in them. Partisan rangers and others have no right to sell them, except to the Government. This brigade is much in need of good saddles. The men of the brigade are riding the horses' backs. They are losing their health and the service of the brigade is suffering. I appeal to all patriots to come forward and voluntarily give them up to the officers and men of this brigade in their respective localities, who will receive for them. Those now at home, and especially all on "horse details," are requested to gather up the saddles, also stirrups, spurs, and other cavalry arms and equipments, the property of the Confederate States, and bring them back into the service. All reasonable expenses incurred in this way will be repaid them.

I claim no right at present either to seize or impress these arms and equipments; but I confidently expect every honest man, not in the field, to give them. They ought to be ashamed in a time like this, to be so slow in this.

RUFUS BARRINGER,
89—2w. Brigadier General.

THE SAPONA CANE MILL.

THE MOST PERFECT MACHINE FOR GRINDING SUGAR BEETROOTS offered to the public. Carefully constructed, under the immediate supervision of a gentleman for several years resident on a sugar plantation, it combines the result of his practical experience, with best material and good workmanship. It requires very little wood work in setting up, and combines, in an eminent degree, economy and durability.

Other Mills, of 2 and 3 rollers, horizontal and vertical, and Syrup boilers, from 20 gals. to 120 gals., for sale.

Address
SAPONA IRON CO.,
Fayetteville, N. C.

N. B. Mills and Boilers delivered at Egypt, on Western Railroad, or at Raleigh, or Morrisville, on North Carolina Railroad.

July 21, 1864. 7.—Imp.

Headquarters N. C. Reserve,
RALEIGH, Aug. 6, 1864

GENERAL ORDERS
No. 5.

IT IS HEREBY REPORTED TO THE LIEUTENANT GENERAL COMMANDING RESERVE, that deserters from the army are permitted to remain unmolested in certain counties of this State. It is hereby made the duty of the Senior Executive Officer of the Reserve to apprehend and deliver them to the nearest Military Commandant; and the Captains of the different companies are to see that they will be held strictly responsible for the execution of this order, in their respective counties.

By command of Lt. Gen. HINSDALE,
JNO. W. HINSDALE,
A. A. General.

Aug. 9, 1864. 92—7.

ADVERTISING RATES.

The following rates will be charged for all advertisements inserted in the DAILY and WEEKLY CONSERVATIVE:
ONE SQUARE OF EIGHT LINES, or less:
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THE DAILY CONSERVATIVE.

RALEIGH, N. C., AUGUST 12, 1864.

JOHN D. HYMAN, EDITOR.

THE TRUE CONSERVATIVE PLATFORM.—The supremacy of the civil over military law.

A speedy repeal of the act suspending the writ of HABEAS CORPUS.

No reconstruction, or submission, but perpetual independence.

An unbroken front to the common enemy; but timely and repeated negotiations for peace by the proper authorities.

No separate State action through a Convention; no counter revolution; no combined resistance to the government.

Opposition to despotism in every form, and the preservation of Republican institutions in all their purity.

TAKE NOTICE.

We hereby notify the subscribers of the *Conservative*, that we have adopted the CROSS MARK, to indicate to them when the times their subscriptions have expired, or are about to expire. We trust our daily and weekly visitations have been sufficiently welcome to induce our friends to renew their subscriptions when their time is out. We will thus be encouraged to make our visitations still more acceptable.

Election Returns.

We give such additional returns as we have received from a number of counties:

MACON—Senate, Bryson 101, Henry 102, Coker 71, Commons, Lyle 271, Crawford 47, Andrews 59. Jackson—Vance 275, Holden 71. Senate, Bryson 221, Henry 70, Siler 18. Commons—Enloe, 183, Commons 111, Keener 97.

HENDERSON—We have not been able to get the result of Henderson county, but we understand it gave Vance a decided majority. M. M. Patton, a most worthy gentleman, has, as we learn, been elected to the Commons from this and Transylvania county.

MADISON—We learn that Holden only got 29 or 30 votes in that county. Vance's majority considerable. Brown is elected to the Commons.

YANCEY—We learn that Vance beats Holden five to one in Yancey. We have not been able to obtain the exact returns, nor to learn who is elected to the Commons in this county.

MCDOWELL—We have not received the official vote for Governor in McDowell county, but Vance received a very large majority. Craig is re-elected to the Commons.

49th SENATORIAL DISTRICT—M. Patton (Conservative) is re-elected to the Senate by a very large majority over Burnett, (Woodfin Destructive.) Patton received a majority in every county in the district.

50th SENATORIAL DISTRICT—Col. S. C. Bryson is elected to the Senate over Henry and Siler.

General Samuel F. Patterson is elected Senator in the 40th Senatorial district, composed of Burke, McDowell, and Caldwell.

It is said Cherokee did not vote, and it is doubtful whether Clay did. The enemy have recently visited those counties and done considerable damage. Had these counties voted they would no doubt have given Vance a considerable majority.

In a day or two we expect all the returns will be in from the various counties in the State, when we will foot up the figures and give the final result. As the returns from many companies in the army were no doubt informal, and as others will probably not reach their destination within the time prescribed by law, we fear Gov. Vance's vote in the army will not appear as large as it really was. In round numbers we think we can safely state that his majority of the army vote was at least 15,000.

Gov. Vance's majority in the State will approximate, if it does not exceed 40,000.

We devote the most of our available space to-day to an opinion of Chief Justice Pearson in the case of Russell vs. Whiting, and to a portion of the able argument of D. F. Moore, Esq. It will be seen that the case was heard during the suspension of the *habeas corpus* act. The argument (as we learn) of one of the petitioners' counsel was devoted wholly to the constitutional questions involved in the act, namely, whether the privilege of the writ could be suspended, except for matter of crime.

It will be seen that the opinion fully sustains the late message of Gov. Vance upon that point. We heartily endorse its doctrine. The English acts referred to and which we will publish as an appendix to Mr. Moore's argument to-morrow, showing an invariable course in England from the earliest date after the passage of the act of 31 Charles 2 to the close of the 18th century. We understand Mr. Moore never saw the return of Gen. Whiting. Hence his argument is confined to the great constitutional question.

We will conclude the publication of Mr. Moore's argument to-morrow.

A Tribute to North Carolina.

We invite attention to an article we publish from the *Richmond Sentinel*, containing a handsome and well merited tribute to North Carolina. We are happy to know that the Virginia press are beginning to understand North Carolina politics, and to appreciate the character and genius of our people. The people of this State are eminently *Conservative*. We use the term, not in a restricted party sense, but in the true sense justly applied to our people by the *Sentinel*.

The *Richmond Enquirer*, in the course of an article devoted to a discussion of Gov. Vance's victory, pays the following handsome compliment to North Carolina: "We are rejoiced that this vindication from the foul libels of our enemies has been vouchsafed to our Sister State. She now stands a pure and unspotted vessel, watching the bright and growing fire that burns on the last star of constitutional freedom. The world will know North Carolina otherwise than through the caricatures of Port Carolina, or the slanders of Big Yankee masters. They will know her as one of the free States in the South in her system of public education, in the development of her soil, mines, minerals, commerce and manufactures; as possessing social refinement, industrial energy, and moral character of the highest standard, and as having sent into the field, and maintained in the field, officers and soldiers inferior to none in courage, endurance and devotion to the cause of liberty."

The Greensboro' *Citizen* announces the death of Jas. A. Long, of that place. Mr. Long was for a number of years one of the editors of the *Greensboro Patriot*, and was a man of considerable and varied attainments. The *Patriot* comes draped in mourning on account of his death.

The *Progress* of yesterday commenced publishing an article from the *Richmond Sentinel* about North Carolina, but before the types got all the matter up the Editor saw stars, and the publication ended. The funny part was omitted. Vide *Progress* of yesterday.

DESERTERS.

AN ACT TO PUNISH AIDERS AND ABETTORS OF DESERTERS.

Section 1. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That any person who shall knowingly aid, assist, harbor or maintain, under any pretence whatever, any deserter from the military service of the State, or of the Confederate States, shall be guilty of a high misdemeanor, and upon conviction thereof in the Superior Court, shall be fined, or imprisoned, or both, in the discretion of the Court, the fine not to exceed five hundred dollars, nor the imprisonment to exceed four months.

Sec. 2. Be it further enacted, That any person who shall under any pretence whatever, knowingly aid, assist, harbor or maintain any person enrolled and ordered to report for duty as a conscript, in refusing to obey such order, shall be guilty of a high misdemeanor, and upon conviction in the Superior Court, shall be fined or imprisoned, or both, in the discretion of the Court, the fine not to exceed five hundred dollars, nor the imprisonment to exceed four months.

Sec. 3. Be it further enacted, That for the purpose of enforcing the conscript law of the Confederate States and arresting deserters and conscripts, the Governor shall have power to call out the militia.

Sec. 4. Be it further enacted, That this act shall have force from its ratification.

Ratified the 7th day of July, 1864.

From the Richmond Sentinel.

PROSPECTS AHEAD!

There are many unmistakable signs and evidences that the war is fast drawing to a close. Not, however, that the war is over, but that the North may cease to carry on active hostilities long before it will consent to recognize our independence, and enter into formal terms of peace with us. Among the signs of the times none is more encouraging than the altered and subdued tone of the Northern press and Northern politicians. We hear not a word now of crushing the rebellion in sixty or ninety days, or even within the present year. Few, very few, politicians or editors are so impudent or impatient as to hold out hopes of crushing it out at all. They are in terrible dread of an invasion by us of the North, and more busy in trying to devise ways and means to repel such apprehended invasion than in renewed attempts to subdue the South. They have lost all hope that Grant will take Richmond, but are in deadly fear that Early will capture Washington. They keep Grant's army, at this sickly season in the most sickly hole in the South, merely to prevent the junction of Lee's and Early's forces, and the probable capture of Philadelphia, that would follow such junction. In like manner they keep Sherman in Georgia to keep Hood out of Tennessee and Kentucky. They are faintly hammering away at Petersburg and Atlanta to save Cincinnati and Philadelphia. They have been for some time busy withdrawing their troops from the Trans-Mississippi, and from all along either shore of that river, also from many points on the Atlantic coast, and concentrating them at positions nearer to Washington. They are obviously preparing to defend the North from apprehended invasion.

Well may they apprehend it, and tremble at its probable consequences. After the middle of September, what force will they have with which to repel invasion? Their veterans' term of service will have expired, and they will have returned home. The hundred thousands of day-laborers will also have returned home. A body, composed almost entirely of raw recruits, deficient in numbers as well as discipline, will be all the army they will have with which to defend their homes as they do in the South, for Northern soldiers are common laborers, without houses or homes, and who live and support their families from their daily wages. A war of invasion of the North will suspend their wages; their daily pay as soldiers in greenbacks, will amount to nothing. No bonus is offered to them for enlistment; no hopes of Southern plunder will any longer be held out to them, or if held out, will any longer delude and deceive them; the expenses of living will have quadrupled, and to enlist as soldiers will be to starve their families. The North will not rise to defend itself; but the masses will cry aloud for peace! For no matter who conquers, no matter what the terms of peace, peace will give them employment—without which they cannot live. The Federal Government is bankrupt, and has no means left wherewith to feed and clothe its soldiers and their families.

It is not, on the whole, at all improbable that we may this fall invade the North, and on the soil dictate the terms of peace. At all events it is worth trying. The North is just about to become bankrupt in men and in means, and now is the time to push her to the wall. A just retribution demands that we retaliate on her the cruelties she has inflicted on us. An opportunity for doing so may soon occur.

The London correspondent of the *New York Herald*, writing under date of July 23, is very anxious that something should be done to stop the blockade running, by capturing Wilmington. He says: "I have often spoken of the gigantic fortunes that are being constantly made in running the blockade. An eminent ship-builder told me yesterday that he had one fast steamer running the blockade, and that he was building four more for the same purpose. Alexander Bollie & Co. are reported to have made a million sterling in blockade running. Why cannot the government spare twenty thousand men to go to North Carolina and capture Wilmington? In the panic of its fall, Charleston will also be taken. These two places are the two principal mouths that feed the rebels. Wilmington alone would be worth more to you than Richmond."

How Mr. LINCOLN SHAKES HANDS.—The correspondent of the *New York Herald*, writes: "Mr. Lincoln passed some time in shaking hands. His salutation is with him a peculiarity. It is not the pump handle 'shake,' nor a twist, nor a spasmodic motion from side to side, nor yet a reach towards the knee and a squeeze at arm's length. When Mr. Lincoln performs this rite, it becomes a solemnity. A ghastly smile overspreads his peculiar countenance; then, after an instant's pause, he suddenly thrusts his 'flapper' at you as a sword is thrust in a scabbard; you feel your hand enveloped as in a fleshy vice, a cold clamminess envelops your unfortunate digits; a cork screw burrows its way from your finger nails to your shoulder, the smile disappears, and you know that you are unshaken. You carefully count your fingers to see that none of them are missing, or that they have not become assimilated in a common mass."

What could exhibit a more fantastical appearance than an English beau of the fourteenth century? He wore long pointed shoes, fastened to his knee by gold or silver chains; hose of one color in the one leg, and another color on the other; short breeches which did not reach to the middle of his thighs; a coat one half white and the other half black or blue; a long beard; a silk hood buttoned under his chin, embroidered with grotesque figures of animals, dancing men, &c., and sometimes ornamented with gold and precious stones. This dress was the height of the mode in the reign of King Edward III.

A letter from Petersburg to one of the editors of the *Whig* says, the country for miles around is filled with old men, women and children—refugees from the city. Every barn, corn crib, smoke house and granary has its occupants, and hundreds have borrowed tents from the Quartermaster and Commissary, and occupy the fields and forests. Many have gone to Richmond, while not a few are in North Carolina. All this is occasioned by the shelling of Petersburg, which accomplishes nothing in a military point of view, and is done merely for the purpose of gratifying a contemptible and cowardly spirit of revenge.

[From the Richmond Sentinel.]

NORTH CAROLINA AND THE YANKEES.

There are no people in America that present such striking contrasts in private and political character, and in all moral, intellectual and religious characteristics, as the Yankees and the North Carolinians. The Yankees, North Carolina has been deservingly called Rip Van Winkle. This nickname conveys the highest possible compliment that could be paid to her. It implies that she is conservative; that she adheres to old opinions and practices; that she is slow to change her laws, her constitution, her form of government, or her forms of religion. That she reverts the past, and clings to its minutest habits, customs and usages, in private and social life, as well as in political life; that she does not, for slight cause, change her men or her measures. She detests innovation; respects experience, but avoids experiment. That she has no confidence in the deduction of speculative reasoning, none in *a priori* abstract philosophy. Her distinguishing traits, faith, reliance on authority and experience, and respect for the past, make her the most conservative State of the conservative South, and present her in strongest contrast to the radical, fickle, sceptical, revolutionary North. At the North they have faith in nothing; speculation about everything. Human experience has no weight with them; human authority no respect from them. Change and innovation are the order of the day with them. Change in law, in constitution, in religion, in habits, customs, usages and fashions, is the order of the day with them. They are the most conceited people on earth, and from the highest to the lowest of them, set about inventing a new religion, a new form of government, or a new piece of machinery with equal sang froid and equal presumption and impertinence.

They place implicit reliance on the deductions of mere human reason, unaided by faith or experience; hence, with few exceptions, they are all quacks, charlatans, infidels or skeptics. They present the strongest contrast to the character of Rip Van Winkle, and it may be North Carolina presents the nearest approach to that character.

If so, she is the great representative State of the South; for conservatism is the leading feature of Southern character, laws, governments and institutions, religious, social and political; as radicalism, revolutionism, change, innovation and infidelity are of Northern. This is a war of opinions as well as of arms, a war of radicalism and infidelity against faith, authority and conservatism. May North Carolina long continue what she is—the model State of the South.

She may have some traitors within her limits; but she has few, and they far between. She has a good many obstinate men, who, if they happen to imbibe wrong opinions, as all men will, sometimes, are slow and hard to change. Old Rip is now wide awake, and detests Yankees and Yankee ways from the bottom of his brave and honest heart.

From the beginning of the war, the numbers and the courage of her troops satisfied us of her loyalty to the cause of Southern independence. We only feared that a few fickle and ambitious men, who misrepresented her opinions, might do harm without her boundaries. The result of the recent election have quieted all such apprehensions.

YANKS AND REBS.

A friend who has lain some time in the trenches and rifle pits near Petersburg, relates many amusing incidents. He says the advanced pickets of the two armies, who occupy lines of rifle-pits within 150 yards of each other, are on amicable terms, and carry on considerable traffic. When the officers of the day are out of the way, they get out of the pits, and converse and trade. A Yankee will step out and exclaim—"Reb, let's quit shooting till the officer comes round, and see if we can't swap a little." "I've got some coffee I'd like to give you for tobacco," "Agree," says Reb, "I've got more tobacco than coffee, and I'm in for a trade." They approach each other, traffic and crack jokes till the time approaches for the officer of the day to take his round. If on the Federal side, the Yank will say, "get back into your hole, Reb, the officer is coming, and we'll have to go to shooting again." If on the Confederate side, the Reb will say, "Drop into your den, Yank, or you might get hurt, for the officer is coming and we'll have to burn powder."

Such scenes are of daily and almost hourly occurrence. Other acts of a like character are common. For instance, the pickets in the pits on each side often bargain thus.—In case of a change, they agree that if the Federal are successful, the Reb drops into the pit with the Yank, and becomes his prisoner; if the Confederates are successful, the Yank drops into the Reb's pit, and he becomes his prisoner. They thus often save each other's lives by contract. An acquaintance of ours who was in the late raid into Maryland, related to us a scene he witnessed on the battle field of Monocacy. After the battle was over, and the Yankees had fled leaving their dead and wounded upon the field, a wounded soldier of the Federal army appealed to a chaplain in our service for assistance and a draught of water. The chaplain very promptly gave him water and was rendering him assistance, when an Irishman belonging to Hay's Louisiana battalion passing along asked the chaplain what he was doing. "Reb, this poor fellow," said he, "who is badly wounded. Leave here, ye spalpeen," replied the Irishman—"get a musket and go to work, and don't be after trying to bring the divils too after we've killed them."—*Abingdon Virginian*.

A FEMALE MALLADY.

A re-union with an old friend with whom we campaigned several years ago, has brought to mind many pleasant memories. One of the most laughable and ridiculous was one that occurred to Maj. John L. Morgan, Quartermaster in this city. At Fort —, where he was stationed, Indians visited constantly and in large numbers, making the place a familiar rendezvous. One evening the Major received from the Postoffice Department a large supply of Uncle Sam's postage stamps, which he placed in a box in his quarters. These Indians were in the habit of going where they pleased, and appropriating anything that took their fancy. That evening, whilst the Major was absent on the parade ground, an Indian squaw, in prowling about the quarters, discovered the postage stamps. These creatures were not very luxurious or fastidious in their habits of dress, yet they would wear all the finery they could pile on. This squaw especially, whether because of poverty or choice, seldom wore any article of dress except a few brass finger and earrings.

In a few minutes she appeared on the parade ground with her naked body completely covered with United States postage stamps, admiring herself with much gusto. Screams of laughter greeted her appearance. The Major rushed to his quarters and discovered his loss, but he consoled himself by proposing that if she wished to be mailed, she should go through, as she was pre-paid to her full weight.—*Atlanta Intelligencer*.

Official Vote for Governor of North Carolina, 1862.

COUNTIES.	VANCE.	JOHNSTON.	VANCE.	HOLDEN.
Alamance,	970	173	736	220
Alexander,	749	115	311	183
Anson,	826	108	767	25
Allegany,	227	12	00	00
Ashe,	648	15	00	00
Beaufort,	534	102	00	00
Bertie,	323	105	00	00
Bladen,	316	304	472	28
Brunswick,	832	844	460	19
Burke,	826	239	665	156
Buncombe,	1,223	274	837	229
Cabarrus,	537	504	693	58
Caldwell,	828	40	541	84
Camden,	127	13	00	00
Carteret,	00	00	00	00
Caswell,	540	270	885	31
Catawba,	605	555	876	41
Chatham,	1,518	127	1202	640
Cumberland,	1,015	364	1454	209
Cherokee,	00	00	00	00
Chowan,	279	38	250	3
Clay,	00	00	00	00
Cleveland,	523	575	600maj	116
Columbus,	297	496	461	116
Craven,	117	113	569	1
Currituck,	31	14	00	00
Davie,	736	182	627	123
Duplin,	100	961	937	65
Davidson,	1,368	162	854	487
Edgecombe,	113	508	958	8
Franklin,	525	378	00	00
Forsythe,	1,371	244	672	560
Gaston,	379	427	448	203
Gates,	00	00	275	00
Granville,	942	445	1189	185
Greene,	730	184	244	204
Halifax,	451	538	1041	8
Haywood,	414	269	378	103
Hertford,	1,208	82	00	124
Hertford,	190	51	496	3
Hide,	287	15	00	00
Iredell,	1,544	161	1065	93
Jackson,	604	117	275	71
Johnston,	1,090	194	499	619
Jones,	63	29	168	2
Lenoir,	267	140	615	75
Lincoln,	605	367	557	104
Macon,	619	165	00	00
Madison,	283	230	325	25
Martin,	728	104	00	00
McKenney,	425	1,355	1630	112
Mitchell,	00	00	00	00
Montgomery,	227	18	553	242
Moore,	1,090	120	654	450
Nash,	317	282	568	105
New Hanover,	287	1,287	982	22
Northampton,	385	299	734	15
Orange,	1,451	362	1252	196
Onslow,	342	293	520	108
Pasquotank,	163	20	00	00
Perquimans,	85	13	00	00
Person,	559	191	714	78
Pitt,	649	229	781	48
Polk,	00	00	146	01
Ramoth,	1,357	55	526	863
Rowan,	1,345	407	1301	63
Richmond,	634	97	511	196
Robeson,	931	320	960	119
Rockingham,	569	273	946	149
Rutherford,	1,147	257	778	378
Sampson,	463	704	869	171
Stokes,	943	10	396	178
Stanly,	653	82	448	331
Surry,	658	204	00	00
Transylvania,	00	00	00	00
Tyrell,	00	00	00	00
Union,	556	417	00	00
Wake,	2,269	489	1497	1271
Wayne,	706	466	850	134
Warren,	174	464	765	15
Washington,	00	00	419	1
Watauga,	423	62	00	00
Wilkes,	1,615	76	432	436
Wilson,	188	466	395	94
Yadkin,	1,172	58	272 maj.	9
Yancey,	714	186	00	00
	52,833	20,171		
	20,174			
	72,007			

Vance's maj., 32,650

THE VALLEY BANKS.—The losses sustained by these banks, by the fire on the Danville railroad, were not so severe as was supposed. The *Staunton Indicator* says, "the books of the Valley and Central Banks were badly burned, which together with the loss of some coin melted and missing belonging to the Valley Bank, (amount not yet precisely known, though not large) constitutes the loss. The money of their depositors was saved. We are sorry to learn that nearly all the special deposits were destroyed. As soon as the necessary books can be procured the Banks here will resume their operations as usual."

For Sale.
100 BALES OF GOOD COTTON IN FAIR ORDER.
TUCKER, ANDREWS & CO.,
Auction and Commission Merchants.
August 12th, 1864. 96-67.

For Sale.
A LOT OF SECONDHAND WAGON TIRES AND IRON AXLES, little used.
TUCKER, ANDREWS & CO.,
Auction and Commission Merchants.
August 12th, 1864. 96-31.

Crushed Sugar.
NO. 1 ARTICLE, BY THE BARREL.
TUCKER, ANDREWS & CO.,
Auction and Commission Merchants.
August 12th, 1864. 96-21.

Paper! Paper!! Paper!!!
300 REAMS OF GOOD WRAPPING PAPER.
TUCKER, ANDREWS & CO.,
Auction and Commission Merchants.
August 12th, 1864. 96-21.

SEGARS.
A FEW THOUSAND SEGARS, MADE OF FLORIDA TOBACCO, for sale by
H. D. TURNER,
N. C. Book Store.
Raleigh, August 11th, 1864. 96-21.

SHOE MANUFACTORY!
I AM CONSTANTLY MANUFACTURING AT
Thomasville, North Carolina,
LADIES' LACE BOOTS.
Made of the finest French Calf Skin, with Morocco tips and eyelets—
GENTLEMEN'S do do Boots,
do do do Boots,
do do do Boots,
Heavy Negro Brogue,
Address me at Greensboro', N. C.
August 11th, 1864. A. A. WILLIARD. 96-64p.

NOTICE.
ALL THOSE WHO HAVE NOT PAID INTO THE
Treasury of the North Carolina Volunteer Navy Company
their subscriptions, are requested to do so at once, as the
Company is now about sending abroad an Agent to make pro-
vision of a vessel. And those wishing to take stock will have
short time to procure the same before the books will be
closed.
CYRUS F. MENDENHALL, President.
August 6th, 1864. 91-17.

WANTED.
A SMALL FARM, WELL TIMBERED, PROXIMATE TO
some town or Railroad preferred. Address, Box 253,
Raleigh, N. C. 94-17.

Office Raleigh & Gaston R. R. Co. copy.
RALEIGH, JULY 17th, 1864.
THE BOARD OF DIRECTORS OF THIS COMPANY
have declared a dividend of 15 per cent. on the capital
stock, payable on and after the 1st of August, 1864, in four per
cent. certificates and bonds of the Confederate States, or in
Confederate treasury notes of the old issue at face value, at
the option of the Company.
W. W. YASS, Treasurer. 95-17.

Telegraphic News.

REPORT